

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

LAWYERS TITLE INSURANCE  
CORPORATION,

Plaintiff and Counter Defendant,

vs.

No. CIV 08-1215 BB/LFG

DRAGONFLY DEVELOPMENT, INC.,

Defendant and Counter Claimant.


**ORDER FINDING MOOT PLAINTIFF'S MOTIONS  
TO QUASH SUBPOENAS AND FOR PROTECTIVE ORDER  
AND SETTING DEADLINE FOR FILING MOTION TO COMPEL**

THIS MATTER comes before the Court on two motions filed by Plaintiff/Counter-Defendant Lawyers Title Insurance Co. ("Plaintiff"), both of which were titled Motion to Quash Subpoenas Duces Tecum and for Protective Order [Docs. 51 and 54].

At a telephonic hearing on November 10, 2009, the parties advised the Court that the depositions which were the subject of the two motions did in fact proceed as scheduled. The Court therefore finds that the two pending motions are now moot. However, because it appears that the underlying dispute over production of documents has not been resolved, the Court directed that, if Defendant/Counter-Claimant Dragonfly Development ("Defendant") wishes to obtain discovery to which Plaintiff has objected, it may file a motion to compel. The court determines that the 20-day period for filing the motion to compel will commence as of the date of the telephonic hearing. *See*, D.N.M.LR-Civ. 26.6

IT IS THEREFORE ORDERED that Plaintiff's two Motions to Quash Subpoenas Duces Tecum [Docs. 51 and 54] are hereby denied as moot.

IT IS FURTHER ORDERED that Defendant may file a Motion to Compel with respect to the documents described in the subpoenas duces tecum on or before November 30, 2009.

  
Lorenzo F. Garcia  
United States Magistrate Judge